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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,049	09/29/2000	Yasuhiro Kawakatsu	826.1629/JDH	9990

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EXAMINER

WALLERSON, MARK E

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,049

Applicant(s)

KAWAKATSU ET AL.

Examiner

Mark E. Wallerson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-11, 14, 15, 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-7, 13, 16, 17 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> |

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Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on 10/29/04

2. This application has been reconsidered. Claims 1-7, 13, 16, 17 and 20 are pending.

NOTE: In the response filed on 10/29/04, Applicant stated that claims 8 and 12 have been cancelled, and claims 1-8, 12, 13, 16, 17, and 20 are pending (page 8). This is obviously a typographical error. Accordingly, for purposes of examination, claims 1-7, 13, 16, 17, and 20 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 13, 16, 17, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaneko (U.S. 6,167,562).

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With respect to claims 1, 13, 16, 17, and 20, Kaneko discloses a dynamic image composition apparatus for combining and plotting one or more images, comprising: a plurality of plot information generating devices (first display 32, second display 33, col. 5, lines 57-67) generating (drawing) plot information (control data) used to plot a dynamic image (animation image reads on dynamic image; col. 7, lines 3-33) on a screen (column 5, lines 57-66), the plot information including plot position and rotation angle of the dynamic (animated) image on the screen (column 20, lines 20-38, column 22, lines 10-65) to update the dynamic image corresponding to a movement element for generating a movement of the dynamic image (column 22, lines 49-65), an image management device (system control section 60) managing (managing) image data of each image (col. 7, lines 54-col. 8, lines 1-8) and generating plot information (control data) at a present time (real time) of each image (images) by combining one or more pieces of information (combining character images with the background images, col. 11, lines 12-22) generated by one or more of the plurality of plot information generating devices (col. 5, lines 57-67 and col. 6, lines 37-col. 7, lines 1-12); and a plotting device (synthesis/output selecting circuit 51) receiving the image data (data) and the plot information (control data) at the present time (real time) from the image management device (60) and plotting (creating) the image data (data) based on the plot information (control data) at the present time (real time; col. 6, lines 37-col. 7, lines 1-12).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko in view of Enomoto (U.S. 5,719,947).

With regard to claim 2, Kaneko does not disclose wherein said plot information generating device generates absolute plot information representing a coordinate value in a global coordinate space.

However, Enomoto discloses the dynamic image composition apparatus wherein said plot information generating device generates absolute plot information representing a coordinate value in a global coordinate space (col. 5, lines 26-37 and column 15, lines 3-24).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Kaneko and Enomoto due to both references disclosing systems that specialize in dynamic images to allow motional velocity vectors that are fundamental parameters with regard to the individual object to be easily grasped.

Regarding claim 4, Kaneko discloses the dynamic image composition apparatus further comprising a plot information function management device storing one or more plot information functions (col. 6, lines 59-col. 7, lines 1-33).

Although Kaneko does not disclose plot information generating devices storing identification information nor calculating the plot information, Enomoto discloses wherein at least one of said plurality of said plot information generating devices store identification information for referring to a plot information function and calculates the plot information using the plot information function corresponding to the identification information (col. 5, lines 1-10 and col. 5, lines 53-63).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Kaneko and Enomoto due to both references disclosing systems that specialize in dynamic images to allow motional velocity vectors that are fundamental parameters with regard to the individual object to be easily grasped.

With regard to claim 5, although Kaneko discloses a plot information string management device storing one or more plot information strings representing a list of plural pieces of plot information at discrete times (the abstract and column 7, line 54 to column 8, line 5), he does not clearly disclose one of said plurality of said plot information generating devices store identification information for referring to a plot information string and calculates the plot information using the plot information string corresponding to the identification information.

However, Enomoto discloses the dynamic image composition apparatus wherein at least one of said plurality of said plot information generating devices store identification information for referring to a plot information string and calculates the plot information using the plot information string corresponding to the identification information (col. 5, lines 1-10 and col. 5, lines 53-63).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Kaneko and Enomoto due to both references disclosing systems that specialize in dynamic images to allow motional velocity vectors that are fundamental parameters with regard to the individual object to be easily grasped.

Regarding claim 6, Kaneko does not disclose said at least one of said plurality of said plot information generating devices calculate the plot information by performing interpolation using the discrete pot information included in the plot information string.

However, Enomoto discloses the dynamic image composition apparatus wherein said at least one of said plurality of said plot information generating devices calculate the plot information by performing interpolation using the discrete pot information included in the plot information string (col. 6, lines 35-47).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Kaneko and Enomoto due to both references disclosing systems that specialize in dynamic images to allow motional velocity vectors that are fundamental parameters with regard to the individual object to be easily grasped.

Regarding claim 7, Kaneko does not disclose said plot information generating device stores a parameter for modifying plot information and calculates the plot information using the parameter.

However, Enomoto discloses the dynamic image composition apparatus wherein said plot information generating device stores a parameter for modifying plot information and calculates the plot information using the parameter (col. 5, lines 53-63).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Kaneko and Enomoto due to both references disclosing systems that specialize in dynamic images to allow motional velocity vectors that are fundamental parameters with regard to the individual object to be easily grasped.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko in view of Bowen (U.S. 6,147,695).

Regarding claim 3, Kaneko does not disclose said plot information generating device generates a difference of plot information between a previous time and the present time.

However, Bowen discloses the dynamic image composition apparatus wherein said plot information generating device generates a difference of plot information between a previous time and the present time (col. 12, lines 25-40).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Kaneko and Bowen due to both references disclosing systems that specialize in dynamic images to combine two or more video streams while maintaining few or no distortions.

Response to Arguments

9. Applicant's arguments filed 10/29/04 have been fully considered but they are not persuasive. Applicant submits that Kaneko does not disclose providing plot information that controls the spatial position size or rotation of an image. The Examiner disagrees

Kaneko discloses providing plot information (column 16, lines 44-56) that controls the spatial position size or rotation of an image (column 16, lines 44-56; column 20, lines 20-57, and column 22, lines 11-65).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark E. Wallerson whose telephone number is (571) 272-7470.

The examiner can normally be reached on Monday-Friday - 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark E. Wallerson
Primary Examiner
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A handwritten signature in black ink, appearing to read 'Mark E. Wallerson', with a long horizontal line extending to the right.

MARK WALLERSON
PRIMARY EXAMINER